

HCS HB 1860 -- AGRICULTURE (Guernsey)

COMMITTEE OF ORIGIN: Committee on Agri-Business

This substitute changes the laws regarding agricultural education in private schools, grain dealers, and agricultural crimes.

AGRICULTURAL EDUCATION IN PRIVATE SCHOOLS (Section 178.530, RSMo)

The State Board of Education within the Department of Elementary and Secondary Education is required to develop standards for agricultural vocational education that may be adopted by a private school in order to qualify the school to apply to the state chapter of the Future Farmers of America for the approval of a local chapter. The standards must be equivalent to those for federal vocational education, but the local chapter will not be eligible to receive state or federal vocational education funding and must annually reimburse the department for the cost of oversight and maintenance of the program.

MISSOURI GRAIN DEALER LAW (Section 276.401)

The definition of "grain dealer" or "dealer" is revised as it applies to the Missouri Grain Dealer Law to exempt a manufacturer or processor of feed whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels and who pays for all grain purchases from producers at the time he or she takes possession of the grain and whose resale of the grain is solely in the form of manufactured or processed feed or feed by-products or whole feed grains to be used by the purchaser as feed. Currently, a manufacturer whose total grain purchases do not exceed \$100,000 and who meets the other conditions is not considered a grain dealer under these provisions.

AGRICULTURAL CRIMES (Sections 302.286, 537.345, 537.346, 537.351, 569.140, 575.010, 575.120, and 575.124)

The substitute changes the laws regarding agricultural crimes.  
The substitute:

(1) Specifies that any person who dispenses or removes any motor fuel from a storage container with a capacity of 10 gallons or more at any residence, farm, or agricultural property without the express permission of the owner will be guilty of the crime of stealing under Section 570.030. This provision cannot prohibit the removal of fuel for nonpayment;

(2) Defines "trespasser" as it applies to agricultural crimes as any person who enters on the property of another without permission and without an invitation, express or implied,

regardless of whether actual notice of trespass was given or the land was posted with signs or purple markings in accordance with Sections 569.140 and 569.145;

(3) Specifies that a possessor of real property owes no duty of care to a trespasser, except to refrain from harming the trespasser by an intentional, willful, or wanton act and may use justifiable force to repel a criminal trespasser. A possessor of real property may be subject to liability for physical injury or death to a trespasser in specified situations, including if the trespasser is a child who is harmed by a dangerous artificial condition on the land, the possessor knew or should have known that trespassers consistently intrude upon a limited area of the land where the trespasser was harmed by a dangerous artificial condition on the land, or the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land;

(4) Changes the crime of trespass in the first degree from a class B misdemeanor to a class A misdemeanor;

(5) Changes the crime of false impersonation from a class B misdemeanor to a class A misdemeanor and if impersonating a law enforcement officer from a class A misdemeanor to a class C felony; and

(6) Prohibits any person from attempting by means of any threat or violence to deter or prevent an inspector, agent, or other employee of the Department of Agriculture from performing any duties imposed by law. Any person who violates this provision will be guilty of a class B misdemeanor and any second or subsequent violation will be a class A misdemeanor.

#### AGRICULTURAL PRODUCTION FACILITY FRAUD (Section 578.660)

A person commits the crime of agricultural production facility fraud if he or she willfully obtains access to an agricultural production facility by false pretenses or knowingly makes a false statement or misrepresentation as part of an application for employment at an agricultural production facility with the intent to commit an act not authorized by the owner.

A person who commits the crime is guilty of a class B misdemeanor and any subsequent violation is a class A misdemeanor. Anyone who aids, abets, acts in concert, or otherwise participates, directly or indirectly, in the commission of the crime is guilty of the crime. Anyone who conspires to commit the crime is subject to the provisions of law regarding conspiracy.

#### AGRICULTURAL PRODUCTION FACILITY INTERFERENCE (Section 578.672)

A person commits the crime of agricultural production facility interference if he or she, without the consent of the facility owner, willfully produces a record of an image or sound occurring at the operation; possesses or distributes a record of an image or sound produced at the operation; exercises control over the operation with the intent to deprive the facility of an animal, crop, or property; or enters onto or remains on the facility property if he or she has notice that it is not open to the public.

A person who commits the crime is guilty of a class A misdemeanor and any subsequent violation is a class D felony. Anyone who pleads guilty to or is found guilty of the crime is liable for restitution for any damages caused while committing the crime.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.